UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/730,485
Filing Date: December 08, 2003
Appellant(s): KURZWEIL, RAYMOND C.

Frank Gerratana
Reg No. 62,653
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 15, 2010 appealing from the Office

action mailed September 16, 2009.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying

by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial

proceedings which will directly affect or be directly affected by or have a bearing on the

Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claim 1, 2 6-16, 19-29, and 32-45.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of

amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter

contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2003/0028498	Hayes-Roth	2-2003
7,050,977	Bennett	5-2006

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1, 2, 5-12, 14-16, 19-25, 27-29, 32-41 and 43-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Roth (US PAP2003/0028498).

Consider claim 1, Roth teaches a computer implemented method of conducting

commerce, using one or more computers (paragraphs 0040-0049, sales agent), the

method comprising:

receiving transaction requests as text inputs (input can be text; 0041. customer

can initiate a transaction, 0042);

using one or more computers executing natural language processing to analyze

the text inputs to build a conversation based on the transaction requests (0042- 0044,

responses are authored.);

conducting transactions based on the text inputs (0045 shows buying.);

generating in the one or more computers voice-synthesized responses in

accordance with the transactions through an avatar (follow up responses such as

adding to cart,; 0045);

tracking the transactions by storing the transactions in a database (0040 and

0049 discuss "learning" and adapting to the customer's habits. This would require a

database.);

generating additional, voice-synthesized, follow-up responses through the avatar

in response to occurrences of the transactions, with the voice-synthesized, follow-up

responses based on information stored in the database, including information regarding

the transactions (paragraph 0045-0046 shows suggestions that can be based on what

the customer previously purchased);

receiving by the computer subsequent text inputs from the user in response to the voice- synthesized, follow-up responses (0046, customer says don't keep telling me to buy); and

analyzing in the one or more computers the transactions, the subsequent text inputs and the voice-synthesized, follow-up responses about the transactions to produce market research information (paragraph 0049, behavior is based on previous transactions and information assembled on the shopper. This is market research information.).

Consider claim 2, Roth teaches the method of claim 1 wherein tracking comprises:

searching a database to find related information associated with conducting the transactions (0042 and 0044 discuss searching databases for information).

Consider claim 5, Roth teaches the method of claim 1 wherein one of the transactions is a user request as to order status for an order being tracked in the database (0044 and 0048 discuss using the agent for customer service, including order status.).

Consider claim 6, Roth teaches the method of claim 1 wherein generating the responses comprises:

searching a database for content related to one of the transaction requests (0042

and 0044 discuss searching databases for information); and

animating the avatar with a voice and facial movements corresponding to content

found in the database (paragraph 0041 discusses speech output, paragraph 0500

discusses animation.).

Consider claim 7, Roth teaches the method of claim 6 wherein animating

comprises generating verbal suggestions for conducting one of the transactions (0045

shows verbal suggestions).

Consider claim 8, Roth teaches the method of claim 6 wherein animating

comprises processing text input from the user with natural language processing (NLP)

techniques to develop and build conversations between a user and the avatar (0041-

0042, sales agent communicates in natural language dialogs. Details on the inter-

workings are given in great detail 0157-0742).

Consider claim 9, Roth the method of claim 1 wherein receiving one of the text

inputs is in response to a suggestion generated by the avatar (0045, questions are

given that are replied to by human.).

Consider claim 10, Roth teaches the method of claim 1 wherein generating additional, voice- synthesized, follow-up responses includes an inquiry for financial information (0784, asking for visa number).

Consider claim 11, Roth teaches the method of claim 1 wherein one of the transactions involves a sales transaction (0045, helping with purchase).

Consider claim 12, Roth teaches the method of claim 1 wherein one of the transactions involves a help desk inquiry that involves customer support for a product or service (0044 and 0048 show customer service functions.).

Consider claim 14, Roth teaches the method of claim 1 wherein one of the transactions involves processing an inquiry (0044 discusses querying databases).

Claim 15 is directed towards a computer program product, residing on a computer readable medium, for conducting commerce comprising instructions (taught by Roth 0133-0142) for causing a computer to perform steps similar to the claim 1, and is therefore rejected for similar reasons.

Claim 16 is a computer program product similar to the method of claim 2, and is therefore rejected for similar reasons.

Claim 19 is a computer program product similar to the method of claim 5, and is therefore rejected for similar reasons.

Claim 20 is a computer program product similar to the method of claim 6, and is therefore rejected for similar reasons.

Claim 21 is a computer program product similar to the method of claim 7, and is therefore rejected for similar reasons.

Claim 22 is a computer program product similar to the method of claim 8 and is therefore rejected for similar reasons.

Claim 23 is a computer program product similar to the method of claim 10, and is therefore rejected for similar reasons.

Claim 24 is a computer program product similar to the method of claim 11, and is therefore rejected for similar reasons.

Claim 25 is a computer program product similar to the method of claim 12, and is therefore rejected for similar reasons.

Claim 27 is a computer program product similar to the method of claim 14, and is therefore rejected for similar reasons.

Claim 28 is directed towards a system (taught by Roth 0133-0142) for causing a computer to perform steps similar to the claim 1, and is therefore rejected for similar reasons.

Consider claim 29, Roth teaches the system of claim 28 further comprising: a client system for sending the text input to the server, with the client system executing a web browser program (client side 0139).

Claim 32 is a computer program product similar to the method of claim 9, and is therefore rejected for similar reasons.

Claim 33 is a system similar to the method of claim 2, and is therefore rejected for similar reasons.

Claim 34 is a system similar to the method of claim 5, and is therefore rejected for similar reasons.

Claim 35 is a system similar to the method of claim 6, and is therefore rejected for similar reasons.

Claim 36 is a system similar to the method of claim 7, and is therefore rejected for similar reasons.

Claim 37 is a system similar to the method of claim 8, and is therefore rejected for similar reasons.

Claim 38 is a system similar to the method of claim 9, and is therefore rejected for similar reasons.

Claim 39 is a system similar to the method of claim 10, and is therefore rejected for similar reasons.

Claim 40 is a system similar to the method of claim 11, and is therefore rejected for similar reasons.

Claim 41 is a system similar to the method of claim 12, and is therefore rejected for similar reasons.

Claim 43 is a system similar to the method of claim 14, and is therefore rejected for similar reasons.

Consider claim 44, Roth teaches the method of claim 1 wherein the text inputs are received from a client system executing a web browser program (Roth 0133-0142 shows client and server sides).

Consider claim 45, Roth teaches the computer program product of claim 15 wherein instructions to receive transaction requests as text inputs comprise instructions to receive the text inputs from a client system executing a web browser program (Roth 0133-0142 shows client and server sides).

Claims 13, 26, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roth in view of Bennett.

Consider claim 13, Roth teaches the method of claim 1 but does not specifically teach wherein one of the transactions involves a report for customer support to report a malfunctioning product, system, or service.

In the same field of avatar processing, Bennett teaches that one of the transaction involves a report for customer support to report a malfunctioning product, system, or service ("a 'monitor' problem, a 'keyboard' problem, a 'printer' problem, etc", column 36, lines 64- 65).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include product help as taught by Bennett in the system of Roth, in order to be able to provide the customer with greater customer services.

Claim 26 is a computer program product similar to the method of claim 2, and is

therefore rejected for similar reasons.

Claim 41 is a system similar to the method of claim 13, and is therefore rejected

for similar reasons.

(10) Response to Argument

Regarding Appellant's arguments, see pages 11-12, that Hayes-Roth does not

teach analyzing voice synthesized, follow up responses about transactions to produce

market information, the examiner respectfully disagrees. Hayes-Roth Paragraphs 0045-

0049 discuss that the agent tracks previous interactions to generate information that is

used to modify the behavior of the agent. For example, in paragraph 0045, the agent is

pushing the user to make a transaction. The user may respond in 0046, "don't keep

telling me to buy." The agent remembers this and does not tell the customer to buy

anymore. The system also tracks purchases and other customer information that it

uses to modify agent behavior. In the previous rejection, this is what the examiner

analogized with the "market information" limitation found in as claimed. Also, the agent

of Hayes-Roth tracks user responses to previous "voice synthesized, follow up

responses about transactions." Furthermore, paragraph 0048 states that the agent of

Hayes-Roth "remembers what purchases the customer has made on a previous visit" to

generate follow up inquiries. The tracking of responses and previous transactions of

Hayes-Roth can be analogized to "analyzing voice synthesized, follow up responses

about transactions" as found in the instant claims. Therefore Hayes-Roth fairly teaches

the limitations of analyzing voice synthesized, follow up responses about transactions to

produce market information.

Regarding Appellant's arguments, see pages 12-13, that Hayes-Roth does not

teach that one of the transactions is a request as to order status being tracked in the

database, the examiner respectfully disagrees. First, the claims in question (claims 5,

19, and 34) refer to the request as a "user request" and do not specify if the request is

from the user or to the user. Paragraph 0048 shows the agent asking the user "has the

blouse your ordered last week arrived yet?" This could be fairly be interpreted to be a

user request as to order status, if "user request" is interpreted to include requests to the

user. Even assuming *arguendo* that such an interpretation is not valid, Hayes Roth

specifically teaches that the agent may respond to customer questions and perform

customer service functions (paragraphs 0042, 0044, and 0757). Customer service in

commerce is known to include order status inquiries. Furthermore, paragraph 0048

specifically discusses order tracking by asking the user if a package has arrived yet.

Also, it is clear that the intention of Hayes-Roth is to provide services that respond to

customer inquiries (see for example paragraph 0044, the agent can provide immediate

answers to customer's questions). With these goals in mind, in Hayes-Roth paragraph

0048 where "has the blouse your ordered last week arrived yet?" shows that the agent

is designed to anticipate common customer inquiries. Thus Hayes Roth fairly teaches

one of the transactions is a request as to order status being tracked in the database as

required by the claims.

3) Regarding Appellant's arguments, see pages 13-14, that Hayes Roth does not teach

instructions to animate an avatar with a voice and facial movements corresponding to

content found in the database, the examiner respectfully disagrees. Hayes-Roth

paragraph 0015 specifically discusses that the agent system can be implemented in an

animated agent that uses animated gestures. Paragraph 0013 further discusses the

goal of providing expertise to customers through the use of an animated agent.

Furthermore, paragraph 0500 (this citation was NOT a typo as suggested by appellant)

discusses pairing animation with TTS to generate responses. Furthermore paragraph

0041 discusses the that the dialog agent maybe be implemented using various interface

input/output technologies including… speech/voice/audio and graphics/images

modalities. These graphic/images modalities are known to include systems that were

known in the art of virtual agents, such as animated characters and avatars, as

discussed in Roth paragraph 0006. Furthermore, Roth-Hayes specifically shows

animated characters in the drawings (see woman in figure 1a-1m, or coach in figure 3.)

Therefore Hayes-Roth teaches instructions to animate an avatar with a voice and facial

movements corresponding to content found in the database as required by the claims.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the

Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Douglas C Godbold/

Examiner, Art Unit 2626

12/9/2010

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